

FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of

CLOSED CAPTIONING et al.)

Petition for Exemption and/or Waiver of)
VNN, Villages News Network)

To: Secretary

PETITION FOR EXEMPTION AND/OR WAIVER

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PETITION FOR EXEMPTION AND/OR WAIVER

The Villages News Network ("VNN"), of The Villages, Florida, respectfully submits this Petition for Exemption and/or Waiver from the FCC's closed captioning rules, 47 CFR 79.1 et seq., for its daily news programming broadcast on Channel 2 and distributed via Comcast Communications to areas within The Villages, Florida, and also to local vicinities immediately surrounding The Villages.

This Petition should be granted because compliance with these rules would impose an "undue burden" on VNN. See 47 CFR 79.1(f). Indeed, compliance with the FCC's rules in this instance likely would result in the termination of the VNN program -- in effect taking from thousands of local residents, within The Villages and surrounding communities, the opportunity to obtain the locally specific information that VNN now provides. The public interest is best served by allowing VNN to continue its locally produced and distributed news channel, pursuant to an exemption from FCC closed captioning rules.

The Villages is unique. It is the largest single-site residential real estate development in the United States. It spans over 26,000 acres and across three Florida counties -- Lake, Sumter and Marion. The Villages has been family owned and operated for over forty years, is currently home to over 68,000 (mainly retired and elderly) residents, and at projected build out in the year 2012, is expected to house more than 105,000 residents¹. Accordingly, The Villages has special needs, lifestyles, and activities, making access to a specialized, local news service more needed than in ordinary communities. There are numerous recreation centers scattered throughout, with

¹The Villages is a retirement community, all of whose primary residents must be over the age of fifty-five (55) years old.

swimming pools, meeting halls, activity equipment, club houses, and outdoor game and sports facilities on site. Multiple nine and eighteen hole golf courses also exist for public and resident use. Indeed, The Villages provides a number of amenities and facilities that its residents use to live a healthy, active lifestyle, and remain social with local clubs and activities. Because of such high growth and demand, construction of new residential neighborhoods, recreational centers, and commercial areas that include retail, professional plazas, and medical treatment facilities is continually ongoing. Communication among the many residents -- who have special needs on a daily basis -- is essential.

"VNN" stands for "Villages News Network". It is produced within The Villages and distributed via Comcast Communications ("Comcast") on Channel 2 of Comcast's local cable system, pursuant to a lease agreement between VNN and Comcast. VNN's programming consists of fifteen-minute continuous loops of news and events that impact Villages residents, and is broadcast twenty-four (24) hours a day, seven (7) days a week. The daily program is filmed at approximately 4 p.m. every day, and then broadcasts from 6 p.m. that day for twenty-four (24) hours continuously, after which time a newly taped fifteen-minute news loop begins. VNN contains soft news, weather, and announcements of local interest. For the duration of each and every show, VNN displays a continuous scrolling text along the bottom of the screen where, among other things, notices of local activities, meeting, and events are displayed, together with the status of local construction projects and anticipated completion dates.

FCC rules provide that a full or partial exemption from FCC's closed captioning rules is appropriate upon a finding that imposing such requirements would result in an

"undue burden". See 47 CFR 79.1(f). Should the FCC fail to provide such an exemption in VNN's case, the FCC would be imposing an undue burden on VNN, and acting contrary to the public interest, especially to the interests of those Villages residents who benefit immensely from VNN programming.

Initially, for example, requiring VNN to obtain closed captioning equipment and employ it in accordance with its purpose would create costs and operational difficulties for VNN that it likely could not withstand. In the 2007 fiscal year, VNN suffered a net loss. (See attached Sworn Statement.) It is not now, nor has VNN ever been profitable.

Should VNN be required (pursuant to FCC rules) to acquire, install and maintain closed captioning equipment -- and to hire and train closed captioning operators and to secure the space and resources to accommodate same -- would likely cause the termination of the program altogether. (Id.)

VNN is a community service program aimed at the benefit of The Villages residents—to keep them well-informed, well-connected to health and social issues, and fully apprised of matters relevant to their community. It is clear that tens of thousands of The Villages residents would be significantly disadvantaged should the program be terminated due to the unsustainable, "undue burden" imposed by FCC's closed captioning rules.

VNN has considered reasonable alternatives to closed captioning, and even employs some such alternatives currently. For example, as VNN programming is broadcast, scrolling text is rolled across the bottom of the screen and informs viewers of, among other things, various meeting notices, social activities, local events, and opportunities. The scrolling text does not replicate the audio "precisely;" however, such

textual data does give reasonable notice of the material portions of a number of the most important announcements and information that is communicated orally during VNN's programming.

Additionally, The Villages also makes available, on cable Channel 20 (and similarly through a lease with Comcast for local cable distribution), a local channel wherein full-length, The Villages-related announcements are made. Such notices and announcements regarding The Villages community activities and involvement are displayed in text, via scrolling plaques on Channel 20. Here, The Villages makes available a number of the most important announcements and news items that are announced in the audio portion of Channel 2 VNN, but not always included within the scrolling text thereof. (The audio portion of Channel 20 is the local Villages' radio station.) If VNN were required to begin closed captioning programming on Channel 2, Channel 20 would be scrapped and residents would then be without the opportunity either to view the locally-related, full-length announcements displayed therein or to listen to The Villages local radio station via through their cable television.

In sum, for the FCC to require VNN to broadcast its specialized programming in closed captioning would not serve the public interest; in fact, such a requirement would be directly adverse to it by requiring VNN to cease its local programming because of the costs, expenses, and operational difficulties associated therewith. It would be not only a tragic and substantial loss to disadvantage tens of thousands of local residents who depend upon this entirely "local" programming but would run directly counter to the FCC's recent actions in support of "localism." See Report on Broadcast Localism, MB Docket No. 04-233, FCC 07-218, released January 24, 2008.

Residents of The Villages are primarily over the age of fifty-five (55). Taking from such a viewership group, with specialized needs, the very information that VNN provides would constitute a profound disservice to them, contrary to the public interest. VNN is not geared narrowly towards men, women, certain races or religions, children, or visitors. It is distributed to serve all The Villages residents and to inform them of the opportunities and activities in their community. It serves to stimulate a sense of community among these unique residents, and its continued programming is a contributing factor to the active retirement lifestyle that The Villages promotes and its residents seek to enjoy.

CONCLUSION

An exemption and/or waiver from the FCC's closed captioning rules for VNN's program is appropriate under the circumstances in furtherance of the public interest. Such an exemption and/or waiver would allow VNN to continue its programming distribution, thereby serving the public interest and allowing for the continued provision of local news and important information upon which The Villages residents have come to rely.

Respectfully submitted,




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Sworn Statement

My name is Philip Markward and I am Director of VNN. I have read VNN's foregoing Petition for Exemption and/or Waiver of the FCC's closed captioning rules and I hereby affirm, under the penalty of perjury that it is true and correct, to the best of my information and belief.

Executed on February 28, 2008



By: Philip Markward
Director, VNN